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SOUTH SAN JOAQUIN IRRIGATION DISTRICT

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

THE CALIFORNIA NATURAL  
RESOURCES AGENCY, *et al.*,

Plaintiffs,

v.

WILBUR ROSS, *et al.*,

Defendants.

Case No. 1:20-cv-00426-DAD-EPG

**STIPULATION AND ORDER  
REGARDING INTERVENTION BY  
OAKDALE IRRIGATION DISTRICT AND  
SOUTH SAN JOAQUIN IRRIGATION  
DISTRICT**

This stipulation is entered into by Plaintiffs California Natural Resources Agency, California Environmental Protection Agency, and People of the State of California by and through California Attorney General Xavier Becerra ("Plaintiffs"); Defendants Wilbur Ross, in his official capacity as Secretary of Commerce; Chris Oliver, in his official capacity as Assistant Administrator for Fisheries at the National Oceanic and Atmospheric Administration; National

Marine Fisheries Service; David Bernhardt, in his official capacity as Secretary of Interior; Aurelia Skipwith, in her official capacity as Director of the U.S. Fish and Wildlife Service; U.S. Fish and Wildlife Service; Brenda Burman, in her official capacity as commissioner of U.S. Bureau of Reclamation; U.S. Bureau of Reclamation (“Federal Defendants”); Defendants-Intervenors Sacramento River Settlement Contractors (“SRS Contractors”),<sup>1</sup> Defendant-Intervenor Tehama-Colusa Canal Authority (“TCCA”) (SRS Contractors and TCCA collectively referred to herein as “Sacramento River Intervenors”), proposed Defendant-Intervenor Oakdale Irrigation District (“OID”), and proposed Defendant-Intervenor South San Joaquin Irrigation District (“SSJID”), all of which are collectively referred to herein as the “Parties.”

### **RECITALS**

WHEREAS, Plaintiffs filed the instant action in the U.S. District Court for the Northern District of California (“Northern District Court”), against the Federal Defendants. ECF Doc. No. 1.

WHEREAS, the San Luis & Delta-Mendota Water Authority and Westlands Water District (“SLDMWA/WWD”) moved to intervene. ECF Doc. No. 13. Plaintiffs filed a notice of non-opposition to SLDMWA/WWD’s motion to intervene. ECF Doc. No. 37.

WHEREAS, State Water Contractors (“SWC”) moved to intervene. ECF Doc. No. 24. Plaintiffs filed a notice of non-opposition to SWC’s motion to intervene. ECF Doc. No. 38.

WHEREAS, the Northern District Court transferred the instant action to the U.S. District Court for the Eastern District of California (“this Court”) by order dated March 20, 2020. ECF Doc. No. 29.

WHEREAS, this Court granted the Sacramento River Intervenors intervention pursuant to the terms of a stipulation. ECF Doc. No. 46.

WHEREAS, OID and SSJID claim jointly held adjudicated, pre-1914 water rights on the Stanislaus River that are senior to those held by the U.S. Bureau of Reclamation and further assert that in equitable satisfaction of those senior rights, the U.S. Bureau of Reclamation must (1) make

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<sup>1</sup> The entities comprising the Sacramento River Intervenors are identified in the Stipulation and Order Regarding Intervention of the Sacramento River Intervenors. ECF Doc. No. 46.

up to 600,000 acre feet of water available to OID and SSJID on an annual basis, and (2) store up to 200,000 acre feet of OID and SSJID's water in New Melones Reservoir for their subsequent use, pursuant to a 1988 agreement.

WHEREAS, to avoid the necessity of briefing on a motion for OID and SSJID to intervene, the Parties agree that OID and SSJID should be granted leave to permissively intervene in this case.

NOW, THEREFORE, it is hereby stipulated by and between the Parties, through their respective counsel, as follows:

1. OID and SSJID shall be granted permissive intervention in this action.
2. OID and SSJID shall be permitted to promptly file answers in intervention to Plaintiffs' Complaint.
3. OID and SSJID agree to make a good-faith effort to avoid the duplication of any arguments raised by the Federal Defendants, although OID and SSJID may address the same subject matter or issues raised by the Federal Defendants from a different or similar perspective.
4. Plaintiffs, OID, and SSJID agree to meet and confer on the need for any proposed page limitations on briefing by OID and SSJID during the action. Plaintiffs, OID, and SSJID reserve the right to seek or oppose additional limitations on the length of briefs in the event Plaintiffs, OID, and SSJID are unable to reach agreement on page limits.

DATED: April 21, 2020

O'LAUGHLIN & PARIS, LLP

By: /s/ Timothy J. Wasiewski  
TIMOTHY J. WASIEWSKI  
Attorneys for Proposed Defendant-Intervenor  
OAKDALE IRRIGATION DISTRICT

DATED: April 21, 2020

ROBBINS, BROWNING, GODWIN &  
MARCHINI

By: /s/ Kenneth Robbins  
KENNETH ROBBINS  
Attorneys for Proposed Defendant-Intervenor  
SOUTH SAN JOAQUIN IRRIGATION  
DISTRICT

1 DATED: April 21, 2020

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Attorney General of California  
TRACY L. WINSOR  
Supervising Deputy Attorney General

4 By: /s/ Daniel Fuchs  
DANIEL FUCHS  
Attorneys for Plaintiffs California Natural  
Resources Agency and People of the State of  
California by and through Attorney General  
Xavier Becerra

8 DATED: April 21, 2020

U.S. DEPARTMENT OF JUSTICE  
ENVIRONMENTAL & NATURAL RESOURCES  
DIVISION, WILDLIFE & MARINE  
RESOURCES SECTION

11 By: /s/ Lesley Lawrence-Hammer  
LESLEY LAWRENCE-HAMMER  
Attorneys for Federal Defendants

13 DATED: April 21, 2020

DOWNEY BRAND LLP

14 By: /s/ Meredith Nikkel  
MEREDITH NIKKEL

16 Attorneys for Proposed Defendants-Intervenors  
17 RECLAMATION DISTRICT NO. 108, SUTTER  
MUTUAL WATER COMPANY; NATOMAS  
CENTRAL MUTUAL WATER COMPANY;  
18 RIVER GARDEN FARMS WATER COMPANY;  
PLEASANT GROVE-VERONA MUTUAL  
19 WATER COMPANY; PELGER MUTUAL  
WATER COMPANY; MERIDIAN FARMS  
20 WATER COMPANY; HENRY D. RICHTER, et al.;  
HOWALD FARMS, INC.; OJI BROTHERS  
21 FARM, INC.; OJI FAMILY PARTNERSHIP;  
CARTER MUTUAL WATER COMPANY;  
22 WINDSWEPT LAND AND LIVESTOCK  
COMPANY; MAXWELL IRRIGATION  
23 DISTRICT; BEVERLY F. ANDREOTTI, et al.;  
TISDALE IRRIGATION AND DRAINAGE  
24 COMPANY; PROVIDENT IRRIGATION  
DISTRICT; PRINCETON-CODORA-GLENN  
25 IRRIGATION DISTRICT and TEHAMACOLUSA  
CANAL AUTHORITY

1 DATED: April 21, 2020

SOMACH SIMMONS & DUNN

2 By: /s/ Andrew Hitchings  
ANDREW HITCHINGS

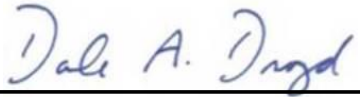
3 Attorneys for Defendants-Intervenors GLENN  
4 COLUSA IRRIGATION DISTRICT;  
5 RECLAMATION DISTRICT NO. 104;  
6 CONAWAY PRESERVATION GROUP, LLC;  
7 DAVID AND ALICE te VELDE FAMILY TRUST;  
8 PELGER ROAD 1700, LLC; ANDERSON-  
9 COTTONWOOD IRRIGATION DISTRICT; CITY  
10 OF REDDING; and KNIGHTS LANDING  
11 INVESTORS, LLC  
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ORDER

Pursuant to the Parties' Stipulation, the Court hereby grants OID and SSJID intervention pursuant to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: April 22, 2020

  
UNITED STATES DISTRICT JUDGE